

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.)
and HONEYWELL INTELLECTUAL)
PROPERTIES INC.,)
)
Plaintiffs,)
) C.A. No. 04-1338- JJF
v.) (Consolidated)
)
APPLE COMPUTER, INC., et al.,)
)
Defendants.)

**SPECIAL MASTER'S REPORT AND RECOMMENDATIONS ON
MOTION OF PLAINTIFFS HONEYWELL INTERNATIONAL INC. AND
HONEYWELL INTELLECTUAL PROPERTIES INC. TO RULE
THAT DEFENDANT INNOLUX DISPLAY CORP. HAS
SUBMITTED TO THE JURISDICTION OF THE COURT [DM 2]**

WHEREAS, on May 4, 2007, InnoLux filed an Answer and Counterclaims in the matter *Guardian Indus. Corp. v. InnoLux Display Corp.*, 1:06-CV-00748-SLR, and filed an Amended Answer and Counterclaims on May 9, 2008;

WHEREAS, on April 18, 2008, this Court issued a Memorandum Order denying, with leave to renew, InnoLux Display Corporation's ("InnoLux") Motion to Dismiss for Lack of Personal Jurisdiction;

WHEREAS, on April 25, 2008, InnoLux filed a Claim Construction Brief advancing InnoLux's position with respect to the construction of one particular disputed term in the asserted claim of the patent-in-suit;

WHEREAS, on May 1, 2008, the Manufacturer Defendants included InnoLux on the list of Defendant parties requesting to be copied on Customer Defendant communications, discovery, and related matters;

WHEREAS, on May 5, 2008, InnoLux filed an Answer to Honeywell International Inc. and Honeywell Intellectual Properties Inc.'s (collectively, "Honeywell") Revised Second Amended Complaint;

WHEREAS, on May 9, 2008, Honeywell sought a determination as to whether, through its aforementioned actions, InnoLux waived its personal jurisdiction defenses and thereby submitted to the jurisdiction of the Court;

WHEREAS, on May 16, 2008, this Court appointed Vincent J. Poppiti, Esq. as Special Master (hereinafter, the "Special Master") to hear argument on the aforementioned waiver contention and issue a report and recommendation to the Court;

WHEREAS, on June 2, 2008, InnoLux filed a Reply Claim Construction Brief advancing InnoLux's position with respect to the construction of one particular disputed term in the asserted claim of the patent-in-suit; and

WHEREAS, the Special Master heard argument by the parties via telephonic hearing held on June 23, 2008;

NOW THEREFORE, IT IS HEREBY ORDERED, AS FOLLOWS:

1. Notwithstanding the actions and pleadings filed by Innolux in the instant action, InnoLux has not waived its personal jurisdiction defenses.
2. Notwithstanding the actions and pleadings filed by InnoLux in *Guardian Indus. Corp. v. InnoLux Display Corp.*, 1:06-CV-00748-SLR, InnoLux has not consented to the jurisdiction of the Court in the instant action.
3. InnoLux, in all respects, remains a party to this matter, and therefore fully engaged in this matter unless otherwise ordered by the Court, including being subject to all of the

deadlines in the Court's Scheduling Order and responsible along with all other parties for responding, in a timely manner, to pleadings and all discovery.

4. Further, as a party to this matter, InnoLux remains bound by the law and decisions of this case, both retrospectively and prospectively, including the Court's claim construction rulings, unless otherwise ordered by the Court.

WHEREFORE, for the foregoing reasons and for reasons stated on the Record on June 23, 2008 [D.I. 1066], the Special Master RECOMMENDS that Honeywell's Motion [D.I. 1040] should be DENIED.

The Special Master's Report and Recommendations will become final order of the Court unless objections are taken pursuant to **FRCP 53(f)(2)**.

ENTERED this 1st day of July, 2008.



Vincent J. Poppiti, Esq. (DE ID # 100614)
Special Master